

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUBRIAN BURTON,

Defendant.

Case No. 2:04-cr-00082-LDG

ORDER

The defendant, Dubrian Burton, has requested early termination of his supervised release (#41). The government has filed a response (#44) indicating that neither it nor the U.S. Probation Office for the District of Nevada oppose the request. The Court has reviewed the defendant's motion and attached exhibits, which indicates that the defendant has been in compliance with the conditions of supervision. The defendant has shown that he has successfully reintegrated into the community and has maintained full-time employment.

The court may take into consideration the reduction in sentence that was unavailable to the defendant in considering his motion for early termination of supervised release. As indicated by the defendant, at the time of his sentencing he possessed an amount of a controlled substance that triggered a mandatory minimum sentence of 120

1 months. Subsequently, the statutes and sentencing guidelines have been modified such
2 that, if the defendant were sentenced today, the advisory guideline range would be 63 - 78
3 months. Though the changes were made retroactive, the defendant did not benefit from
4 the modifications as he had already been released from his term of incarceration. If the
5 defendant had been sentenced under the current guidelines, he would have already
6 completed both his term of incarceration and a five-year term of supervised release. This
7 factor also suggests that early termination is appropriate.


8 Finally, the Court notes that the defendant has successfully completed more than
9 3½ years of the 5-year term of supervised release this Court originally imposed. Having
10 considered the record, the Court finds that the defendant is eligible for early termination of
11 his supervised release.

12 Accordingly, for good cause shown,

13 THE COURT **ORDERS** that Defendant's Motion for Early Termination of Supervised
14 Release (#40) is GRANTED;

15 THE COURT **FURTHER ORDERS** that the term of Defendant's Supervised Release
16 shall terminate effective upon the filing of this Order.

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18 DATED this 9 day of October, 2015.

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21 Lloyd D. George
22 United States District Judge
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